

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 90-00226 WHA

v.

ORA RUTH CRADDOCK,

Defendant.

**ORDER DENYING
DEFENDANT'S LETTER REQUEST**

In a letter filed on November 26, defendant Ora Ruth Craddock requests expunction of her felony conviction for aiding and abetting, or at minimum, a reduction of that conviction to misdemeanor status (Dkt. No. 1256). Defendant makes this request because her “sole desire now is to be able to fulfill [her] lifelong dream of becoming a Registered Nurse, but the felony on [her] record stands in the way of achieving that dream” Pursuant to an order dated December 3, the government responded to the letter on December 20, arguing that expunction is possible *only* where there are extraordinary circumstances to justify such a measure (Dkt. Nos. 1257–58).

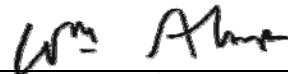
The government is correct. In *United States v. Smith*, 940 F.2d 395, 397 (9th Cir. 1991), our court of appeals vacated a district court’s order of expunction where none of the recognized circumstances supporting expunction were available, stating that expunction is an equitable power that is “appropriately used only in extreme circumstances.” Because there was no suggestion that the defendant’s arrest or conviction was unlawful, or that the government had engaged in any sort of misconduct, *Smith* found that the defendant’s reasons for seeking

1 expunction — to avoid disbarment and a possible prohibition against reenlistment for the Persian
2 Gulf War — were insufficient.

3 So too here. Defendant seeks expunction so that she can pursue her goal of becoming a
4 registered nurse. While this is a very laudable goal, she does not suggest that her conviction was
5 somehow unlawful, or that the government had engaged in misconduct. As a result, and with
6 regret, there are “no extreme circumstances” found on this record, and defendant’s request must
7 therefore be **DENIED**.

8
9 **IT IS SO ORDERED.**

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11 Dated: December 24, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE